

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. In August 2007 the petitioner received countable Social Security benefits in the amount of \$1,037 per month.
2. The Department had been paying the petitioner's Medicare Part B premium through Medicaid, but determined that they had erred in making those payments. After discovering their error, the Department determined that petitioner's income was above the program maximums for Medicaid payment of any of her Medicare premiums. The Department sent petitioner a notice in August 2007 terminating her eligibility for the Medicare Savings program.

3. A fair hearing was held on September 25, 2007. The parties agreed to continue the matter to allow the Department to furnish the petitioner and the Board with a more specific explanation of its decision. The petitioner's benefits were continued pending the resolution of the hearing.

4. In a memorandum dated February 14, 2008, the Department explained that it had determined that the petitioner's Social Security income in August 2007 was more than 120 percent of federal poverty guidelines, or \$1,021 a month, which is the threshold for eligibility for the Medicare Savings program.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for all or some of an individual's Medicare premiums if certain criteria are met. M200.4. For individuals who are eligible for Medicare Part A, Medicaid can pay their Medicare Part B premiums if their income does not exceed 120 percent of the federal poverty level, which in August 2007 was \$1,021 per month. M200.43, P-2420B(2).

It appears that the Department correctly calculated the petitioner's countable income during the review of her case and found that her countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare Part B premium. As a result, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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